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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,270	01/26/2004	Takuya Kotsuji	016907-1596	6450
22428 7590 10/30/2007 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER LEE, JOHN W	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/763,270	Applicant(s) KOTSUJI, TAKUYA	
	Examiner John Wahnkyo Lee	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The response received on 16 August 2007 has been placed in the file and was considered by the examiner. An action on the merits follows.

Response to Amendment

2. The applicant's amendments filed on 16 August 2007 have been fully considered.

Response to Arguments

3. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Shikakura et al. (US 5,717,705).

Regarding claim 1, Shikakura discloses an image processing apparatus (abstract; Fig. 1) comprising: a compression processing section which compresses and encodes image data to form encoded image data (Fig. 1-401; col. 5, lines 25-27, "encoding device"); a first storage section which stores the encoded image data (Fig. 1-407, "orthogonal transformation"; col. 5, lines 40-46, "DCT"); a code separation section

Art Unit: 2624

which separates the image, data encoded by the compression processing section into at least two separated encoded image data in accordance with a separation scheme set (Fig. 1-407, "orthogonal transformation"; col. 5, lines 46-50, "DC" and "AC"); a second storage section including separate storage regions for storing the separated encoded image data (Fig. 1-408 and 409; col. 5, lines 50-56); a key information preparation section which generates, as key information, information indicating the separate storage regions of the second storage section in which the separated encoded image_data [[is]] are stored and information indicating the separation scheme set (Fig. 1-413, "synch signal addition"; col. 5, lines 60-65, "synch signal"); a third storage section which stores the key information (Fig. 1-413, "synch signal addition"; col. 5, lines 60-65, "synch signal"); a code synthesis section which synthesizes the separated encoded image data stored in the second storage section for reproducing the encoded image data, in accordance with the key information stored in the third storage section (Fig. 1-102, "separation" and 2; col. 6, lines 4-10); and an extension processing section which extends the encoded image data synthesized by the code synthesis section (Fig. 1-402; col. 6, lines 10-64).

Regarding claim 2, Shikakura discloses the set separation scheme is to separate, the encoded data into direct-current and alternating- current components (Fig. 1-407, "orthogonal transformation"; col. 5, lines 46-50, "DC" and "AC").

Regarding claim 5, Shikakura discloses that the set separation scheme is to separate, the encoded data into data blocks (Fig. 1-406, "block formation" and 2, col. 5, lines 40-43).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shikakura et al. (US 5,717,705) in view of Matsumoto et al. (US 6,377,580).

Regarding claim 3, Shikakura discloses all the previous claim limitations except the claim limitation of claim 2. However, Matsumoto discloses a scanner (Fig. 1-111) which is composed of a Contact Sensor, an original feed mechanism and the like optically reads an original image to separate it into Red, Green and Blue, RGB components (col. 3, lines 50-60).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Matsumoto's apparatus in Shikakura's image processing apparatus to improve efficiency as suggested by Matsumoto (col. 1, lines 55-56) and to provide a system that is compatible with commonly used image processing data.

Regarding claim 4, Matsumoto further discloses Cyan, Magenta, Yellow, and Black components as an input (col. 4, lines 3-12).

Regarding claim 6, Shikakura further discloses comprising an interface section to be connected to an external device to communicate therewith, said external device

having a storage section in which the encoded data separated by the code separation section is stored, and in which the coded data storage control section stores the separated encoded data in the storage section and in the storage section of the external device, and the key information preparation section generates the key information including information that indicates a storage region in which the separated coded data is stored in the external device ("a transmission path that is in the form of a transmission medium for above-ground electric-wave or light spaces, such as an optical fiber, satellite or microwave guide, in the case of instantaneous transmission, and in the form of a storage medium including a tape-like medium such as a digital VTR or DAT, a disk-like medium such as a floppy disk or optical disk, and a solid state medium such as a semiconductor memory (col. 5, lines 28-35)").

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2624

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Wahnkyo Lee whose telephone number is (571) 272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John W. Lee
(AU 2624)


JINGGE WU
SUPERVISORY PATENT EXAMINER